

HOUSE BILL 964

E4

11r1691
CF SB 583

By: **Delegates McComas, Anderson, Barkley, Bates, Boteler, Carter, Cluster, George, Glass, Haddaway–Riccio, Hough, Impallaria, K. Kelly, W. Miller, B. Robinson, Simmons, and Stocksdales**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Recidivism Reduction Pilot Program**

3 FOR the purpose of requiring the Division of Parole and Probation to establish a
4 program that, on or before a certain date, results in at least a certain
5 percentage of supervised individuals being supervised in accordance with
6 certain evidence–based practices; requiring the program to include certain
7 elements; requiring the Division to provide certain employees with certain
8 training and professional development services; requiring the Division to
9 submit a certain report to the Governor, General Assembly, and Court of
10 Appeals on or before a certain date each year; requiring the Secretary of Public
11 Safety and Correctional Services to adopt regulations to implement this Act;
12 defining certain terms; making the provisions of this Act severable; providing
13 for the termination of this Act; and generally relating to the Recidivism
14 Reduction Pilot Program.

15 BY adding to

16 Article – Correctional Services

17 Section 6–301 through 6–305 to be under the new subtitle “Subtitle 3.
18 Recidivism Reduction Pilot Program”

19 Annotated Code of Maryland

20 (2008 Replacement Volume and 2010 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Correctional Services**

24 **SUBTITLE 3. RECIDIVISM REDUCTION PILOT PROGRAM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **6-301.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "CASE PLAN" MEANS AN INDIVIDUALIZED ACCOUNTABILITY AND
5 BEHAVIOR CHANGE STRATEGY FOR SUPERVISED INDIVIDUALS THAT:

6 (1) TARGETS AND PRIORITIZES THE SPECIFIC CRIMINAL RISK
7 FACTORS OF THE OFFENDER;

8 (2) MATCHES PROGRAMS TO THE OFFENDER'S INDIVIDUAL
9 CHARACTERISTICS, SUCH AS GENDER, CULTURE, MOTIVATIONAL STAGE,
10 DEVELOPMENTAL STAGE, AND LEARNING STYLE;

11 (3) ESTABLISHES A TIMETABLE FOR ACHIEVING SPECIFIC
12 BEHAVIORAL GOALS, INCLUDING A SCHEDULE FOR PAYMENT OF VICTIM
13 RESTITUTION, CHILD SUPPORT, AND OTHER FINANCIAL OBLIGATIONS; AND

14 (4) SPECIFIES POSITIVE AND NEGATIVE ACTIONS THAT WILL BE
15 TAKEN IN RESPONSE TO THE SUPERVISED INDIVIDUAL'S BEHAVIORS.

16 (C) "COMMUNITY SUPERVISION" MEANS:

17 (1) THE PLACEMENT OF AN INDIVIDUAL UNDER THE
18 SUPERVISION OF THE DIVISION, WITH CONDITIONS IMPOSED BY A COURT FOR A
19 SPECIFIED PERIOD DURING WHICH:

20 (I) CRIMINAL PROCEEDINGS ARE DEFERRED WITHOUT AN
21 ADJUDICATION OF GUILT; OR

22 (II) A SENTENCE OF IMPRISONMENT OR CONFINEMENT,
23 IMPRISONMENT AND FINE, OR CONFINEMENT AND FINE IS PROBATED AND THE
24 IMPOSITION OF SENTENCE IS SUSPENDED IN WHOLE OR IN PART; OR

25 (2) THE PLACEMENT OF AN INDIVIDUAL UNDER SUPERVISION
26 AFTER RELEASE FROM PRISON OR JAIL, WITH CONDITIONS IMPOSED BY THE
27 DIVISION FOR A SPECIFIED PERIOD.

28 (D) "CRIMINAL RISK FACTORS" MEANS CHARACTERISTICS AND
29 BEHAVIORS THAT, WHEN ADDRESSED OR CHANGED, AFFECT A PERSON'S RISK
30 FOR COMMITTING CRIMES, INCLUDING:

31 (1) ANTISOCIAL ATTITUDES, VALUES, AND BELIEFS;

- 1 (2) POOR IMPULSE CONTROL;
- 2 (3) CRIMINAL PERSONALITY;
- 3 (4) SUBSTANCE ABUSE;
- 4 (5) CRIMINAL PEERS;
- 5 (6) DYSFUNCTIONAL FAMILY; AND
- 6 (7) LACK OF EMPLOYMENT OR EDUCATION.

7 (E) “EVIDENCE-BASED PRACTICES” MEANS SUPERVISION POLICIES,
8 PROCEDURES, PROGRAMS, AND PRACTICES THAT SCIENTIFIC RESEARCH
9 DEMONSTRATES REDUCE RECIDIVISM AMONG INDIVIDUALS ON PROBATION,
10 PAROLE, OR POST-RELEASE SUPERVISION.

11 (F) (1) “PROGRAM” MEANS AN INTERVENTION THAT:

12 (I) IS INTENDED TO REDUCE RECIDIVISM BY SUPERVISED
13 INDIVIDUALS; AND

14 (II) IS FUNDED IN WHOLE OR IN PART BY THE STATE OR
15 ADMINISTERED BY ANY UNIT OF STATE GOVERNMENT.

16 (2) “PROGRAM” DOES NOT INCLUDE MEDICAL SERVICES.

17 (G) “SUPERVISED INDIVIDUAL” MEANS AN INDIVIDUAL UNDER
18 COMMUNITY SUPERVISION.

19 **6-302.**

20 (A) THE DIVISION SHALL ESTABLISH A PROGRAM THAT, ON OR BEFORE
21 OCTOBER 1, 2015, RESULTS IN AT LEAST 50% OF SUPERVISED INDIVIDUALS
22 BEING SUPERVISED IN ACCORDANCE WITH EVIDENCE-BASED PRACTICES.

23 (B) THE PROGRAM SHALL INCLUDE:

24 (1) ADOPTION, VALIDATION, AND UTILIZATION OF AN OBJECTIVE
25 RISK AND NEEDS ASSESSMENT TOOL;

26 (2) USE OF ASSESSMENT SCORES AND OTHER OBJECTIVE
27 CRITERIA TO DETERMINE THE RISK LEVEL AND PROGRAM NEEDS OF EACH

1 SUPERVISED INDIVIDUAL AND TO PRIORITIZE SUPERVISION AND PROGRAM
2 RESOURCES FOR OFFENDERS WHO ARE AT HIGHER RISK TO REOFFEND;

3 (3) DEFINITIONS OF LOW-, MODERATE-, AND HIGH-RISK LEVELS
4 DURING THE PERIOD OF COMMUNITY SUPERVISION;

5 (4) DEVELOPMENT OF A CASE PLAN, BASED ON ASSESSMENT, FOR
6 EACH INDIVIDUAL WHO IS ASSESSED TO BE MODERATE TO HIGH RISK;

7 (5) SWIFT, CERTAIN, PROPORTIONATE, AND GRADUATED
8 RESPONSES THAT A DIVISION EMPLOYEE SHALL APPLY IN RESPONSE TO A
9 SUPERVISED INDIVIDUAL'S COMPLIANT AND NONCOMPLIANT BEHAVIORS;

10 (6) CASELOAD SIZE GUIDELINES THAT ARE BASED ON OFFENDER
11 RISK LEVELS AND TAKE INTO ACCOUNT DIVISION RESOURCES AND EMPLOYEE
12 WORKLOAD; AND

13 (7) ESTABLISHMENT OF PROTOCOLS AND STANDARDS THAT
14 ASSESS THE DEGREE TO WHICH DIVISION POLICIES, PROCEDURES, PROGRAMS,
15 AND PRACTICES RELATING TO OFFENDER RECIDIVISM REDUCTION ARE
16 EVIDENCE-BASED.

17 **6-303.**

18 (A) THE DIVISION SHALL PROVIDE ITS EMPLOYEES WHO ARE INVOLVED
19 IN THE PROGRAM WITH INTENSIVE INITIAL AND ONGOING TRAINING AND
20 PROFESSIONAL DEVELOPMENT SERVICES TO SUPPORT THE IMPLEMENTATION
21 OF EVIDENCE-BASED PRACTICES.

22 (B) THE TRAINING AND PROFESSIONAL DEVELOPMENT SERVICES
23 SHALL INCLUDE ASSESSMENT TECHNIQUES, CASE PLANNING, RISK REDUCTION
24 AND INTERVENTION STRATEGIES, EFFECTIVE COMMUNICATION SKILLS, AND
25 EDUCATION ABOUT SUBSTANCE ABUSE AND OTHER TOPICS IDENTIFIED BY THE
26 DIVISION OR ITS EMPLOYEES.

27 **6-304.**

28 (A) ON OR BEFORE MARCH 1 OF EACH YEAR, BEGINNING IN 2012, THE
29 DIVISION SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
30 ARTICLE, SUBMIT TO THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE
31 COURT OF APPEALS A COMPREHENSIVE REPORT ON THE EFFECTIVENESS OF
32 THE PILOT PROGRAM, INCLUDING AT A MINIMUM, THE NUMBER OF PROGRAM
33 PARTICIPANTS WHO:

- 1 **(1) WERE ARRESTED FOR A NEW CRIME;**
- 2 **(2) TESTED POSITIVE FOR DRUGS OR ALCOHOL;**
- 3 **(3) SKIPPED APPOINTMENTS WITH THEIR PAROLE AND**
4 **PROBATION OFFICER;**
- 5 **(4) HAD PROBATION REVOKED;**
- 6 **(5) FOUND EMPLOYMENT;**
- 7 **(6) ENROLLED IN EDUCATIONAL OR TRADE PROGRAMS; AND**
- 8 **(7) MET THEIR FINANCIAL OBLIGATIONS INCLUDING PAYMENT OF**
9 **RESTITUTION.**

10 **6-305.**

11 **THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
12 **SUBTITLE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
14 Act or the application thereof to any person or circumstance is held invalid for any
15 reason in a court of competent jurisdiction, the invalidity does not affect other
16 provisions or any other application of this Act which can be given effect without the
17 invalid provision or application, and for this purpose the provisions of this Act are
18 declared severable.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011. It shall remain effective for a period of 4 years and 3 months and, at
21 the end of December 31, 2015, with no further action required by the General
22 Assembly, this Act shall be abrogated and of no further force and effect.